

UTAH RADIATION CONTROL BOARD

**MINUTES OF THE UTAH RADIATION CONTROL BOARD MEETING, June 6, 2003,
Department of Environmental Quality (Bldg. #2), Conf. Room 101, 168 North 1950 West,
Salt Lake City, Utah.**

BOARD MEMBERS PRESENT

Karen S. Langley, M.S., Chair
Stephen T. Nelson, Ph.D., Vice Chair
William J. Sinclair, M.S.E.H., Executive Secretary
Kent J. Bradford, P.G.
Thomas K. Chism, M.S.
Royal I. Hansen, J.D.
Linda M. Kruse, M.S.
Dianne R. Nielson, Ph.D., Exec.Director, UDEQ
Gregory G. Oman, D.D.S., B.S.
Robert S. Pattison, B.Sc.
John W. Thomson, M.D.
Gene D. White, Commissioner

BOARD MEMBERS ABSENT/EXCUSED

Gary L. Edwards, M.S.
Rod O. Julander, Ph.D.

DRC STAFF/OTHER DEQ MEMBERS PRESENT

Dane Finerfrock, DRC Staff
Gwyn Galloway, DRC Staff
Loren Morton, DRC Staff
Raymond Nelson, DRC Staff
Yoli Shropshire, DRC Staff
Fred Nelson, Utah Attorney General's Office

PUBLIC

Kenneth L. Alkema, Envirocare of Utah, Inc.
Steve Erickson, Citizen's Education Project
Mark Ledoux, Envirocare of Utah, Inc.
Robert E. Rampton, Private Fuel Storage

GREETINGS/MEETING CALLED TO ORDER

The Utah Radiation Control Board convened in the DEQ Building #2, Room 101, 168 North 1950 West, in Salt Lake City, Utah. Karen Langley, Chair of the Board, called the meeting to order at 2:05 p.m. She welcomed all members and public attending the meeting and asked those present to indicate on the sign-up sheet if there were agenda items they wanted to address. Those desiring to comment would be given a chance to address their concerns prior to the end of the Board meeting.

I. APPROVAL OF MINUTES (Board action item)

a. Approval of May 2, 2003 Minutes

Linda Kruse made a motion to approve the minutes of May 2, 2003, seconded by Tom Chism.

CARRIED AND APPROVED UNANIMOUSLY

II. RULES (Board action item)

a. Proposed changes to R313-15-208, "Dose to Embryo/Fetus" and R313-15-301, "Dose Limits for Individual Members of the Public" – to public comment

Gwyn Galloway informed the Board Members of two proposed rules: R313-15-208, "Dose to Embryo/Fetus", and R313-15-301, "Dose Limits for Individual Members of the Public." Gwyn reported that on a previous revision to R313-15-208, a Nuclear Regulatory Commission (NRC) review discovered R313-15-208 to be incompatible with NRC requirements. The original R313-15-208 was based on the Conference of Radiation Control Program Directors (CRCPD) Suggested State Regulations (SSRs). As a result of CRCPD modifying the SSR to make it compatible with the NRC rules, DRC is now modifying the rule as was indicated to NRC earlier. This item needs to be changed to meet compatibility requirements with NRC.

The second rule R313-15-301, " "Dose Limits for Individual Members of the Public, " also needs to be changed to meet compatibility requirements. During the initial rulemaking for the proposed Uranium Mill amended agreement, this item was overlooked. This rule needs to be added for NRC compatibility to ensure all necessary rules are in place prior to program transfer.

RECOMMENDATION:

The Executive Secretary recommended that the Board approve the proposed changes to the rules to be filed with the Division of Administration Rules to allow for 30-day public comment.

Stephen Nelson, made a motion that R313-15-208 and R313-15-301 be approved to be filed and sent out for a 30-day public comment period, seconded by Greg Oman.

CARRIED AND APPROVED UNANIMOUSLY

III. RADIOACTIVE MATERIALS LICENSING/INSPECTION

a. Summary of meeting of Conference of Radiation Program Directors (CRCPD) May 3-7, 2003, Anaheim, CA

Bill Sinclair reported that he recently attended the National Conference on Radiation Control sponsored by the Conference of Radiation Program Directors (CRCPD). An agenda of the meeting was enclosed in the packet. One of the emerging issues out of the meeting was the issue of security of radioactive materials. This topic is receiving significant attention by the Nuclear Regulatory Commission (NRC) as a result of direction from the Department of Homeland Security and Congressional interest. A special meeting was held with the States regarding this topic. NRC has assumed major responsibility for the security of radioactive materials under the "common defense and security" provisions of the Atomic Energy Act. Agreement States license 75% of materials used in the United States.

A resolution was passed (enclosed in the packet) that encourages a greater role for state radiation control programs in the formulation of security policy for users of radioactive materials. During this meeting, NRC expressed a willingness to work further on this issue with the States. On June 16th, Bill Sinclair will be departing for a security conference at the NRC where the NRC, Department of Homeland Security, State Homeland Security representatives, and state radiation control program directors will converge to discuss the future working relationship regarding security of radioactive materials.

At the meeting, two DRC staff received a Meritorious Service Award in the Field of Radiation Protection from the CRCPD Board of Directors. Karen Best was recognized for her work on the Committee on Quality Assurance in Diagnostic X-Ray and Bill Sinclair was recognized for his work on the Committee on Radioactive Waste Management.

b. Program (IMPEP) review by the Nuclear Regulatory Commission, June 23-27, 2003

Bill Sinclair indicated that on June 23-27, 2003, a team comprised of NRC staff and a state representative will be in Utah to conduct program reviews of the Division's radioactive materials program and low-level waste program. NRC, as part of its oversight responsibilities, periodically reviews state programs to assure that the program is adequate and compatible. This is typically done on a 4-year basis unless there are problems identified for a particular program.

In determining adequacy, the team evaluates five common performance indicators. The indicators are technical staffing and training, status of the materials inspection program, technical quality of licensing actions, technical quality of inspections, and response to incidents and allegations. The team will also review legislation and program elements (rulemaking) required for compatibility.

A portion of the evaluation has already been conducted as a member of the NRC team accompanied two of the DRC staff members on inspections. Team members also had a

pre-visit to the Envirocare site as part of the review of the low-level waste program. Team members from the NRC come from NRC Region II, IV, and Headquarters and the state representative is from the Maine radiation control program.

The weeklong evaluation will then determine if all the indicators are satisfactory (the adequacy determination) and if the State is compatible (legislation and rulemaking determination). The best determination is that the State is "adequate and compatible." A report is written of the evaluation by the team and presented to the Management Review Board (MRB). The MRB is comprised of senior NRC management staff and a state representative who is a liaison to the Board. Bill Sinclair has served as a state liaison for two years. The final determination is made at the meeting of the MRB. The Division of Radiation Control is optimistic that all will go well and we will continue to keep the Board updated throughout this evaluation process.

IV. X-RAY REGISTRATION/INSPECTION

a. Re-certification of Mammography Imaging Medical Physicists

Bill Sinclair stated that the Utah Radiation Control rules require that individuals known as Mammography Imaging Medical Physicists (MIMP) be recertified on an annual basis. These are individuals that survey equipment and oversee quality assurance at all mammography facilities.

He then asked the Board Members to refer to the Board packet, tab 4 which listed the individuals who completed an application to be recertified. A review of the applications has been completed, and individuals listed meet the continuing experience and education requirements for MIMP recertification.

RECOMMENDATION:

Bill recommended that the Board approve the recertification of those individuals who meet the requirements established by the Board. The effective date of the approval will be from June 1, 2003 to May 31, 2004.

Royal Hansen made a motion that the Board approve the individuals who meet the requirements, seconded by Greg Oman.

V. RADIOACTIVE WASTE DISPOSAL

a. Summary of Hazardous Waste Regulation and Tax Policy Legislative Task Force Meeting of May 20, 2003

Bill Sinclair updated the Board by stating that on May 20, 2003, the Hazardous Waste Regulation and Tax Policy Legislative Task Force held its initial meeting at the State Capitol. Enclosed in the Board packet was a copy of the agenda of the meeting and copies of the staff presentation and Dianne's presentation to the Committee. Input was also received from industry representatives, environmental groups, and members of the public. The Task Force approved the meeting schedule for the remainder of the year as follows:

June 17 - afternoon - tour Envirocare

evening - public hearing in Tooele
July 17 - morning - tour Clean Harbors hazardous waste incinerator and landfill
September 18 - morning - public hearing in Price
 afternoon - tour of East Carbon Development Corporation (ECDC)
September 19 - morning - tour International Uranium
 afternoon - public hearing in Blanding
October 14 - Task force meeting to discuss issues and options
 Public hearing in Salt Lake City
Late October or Early November - Task force meeting to discuss preliminary report
November 18 - Preliminary report to Executive Appropriations Committee
 (1:00 p.m.)
November 19 - Preliminary report to Natural Resources, Agriculture, and
 Environment and Revenue and Taxation Interim Committee
All meetings will be open to members of the public.

VI. URANIUM MILL TAILINGS UPDATE (Board information items)

a. Summary of Moab Millsite Stakeholder's Group meeting of May 29, 2003 and Moab Millsite update

Loren Morton provided the following summary to the Board regarding the recent Moab Millsite Stakeholder's Group meeting and update regarding other activities at the Moab Millsite:

Date	Activity/Description	5/29/2003
Moab Uranium Mill Tailings Project, Near Moab, Utah		
<i>Stakeholders Group Meeting</i>		
May 29, 2003	<p>Moab Tailings Stakeholders Meeting – 9:00 am in Grand County Council Chambers, 125 East Center Street, Moab, Utah.</p> <p>Loren Morton reported that they met as a Stakeholders group. Loren said there were a lot of people in attendance; representatives from Bureau of Land Management, National Park Service, Fish and Wildlife Service, Division of Radiation Control, and the Department of Energy. The discussions went on for three or four hours. Loren said that it was a very productive meeting. In general a couple of things came out of it: (1) Ground Water surface water, relationship, and (2) River migration and the possibilities that the river could under cut the pile at some point in time.</p> <p>Loren said that he thought they had a resolution put together at the Subcommittee Level back in February, 2003, regarding river migration, but it turned out DEQ didn't. Dianne R. Nielson asked that the Subcommittee get together and try to work again with Department of Energy (DOE) to try to find a resolution at a technical level. The Committee Chairman is Dan Kimball, National Park Service. He is trying to schedule a meeting now. First of all DOE is going to put together some written information that describes how it views the migration issue. That will be distributed among the Subcommittee Members. They there will be a meeting at some point and time. That could be within the next four or five weeks.</p> <p>The second issue of concern was a work plan that the Subcommittee has asked DOE to prepare to further investigate the inter-relationship between the River and the polluted ground water interaction at the site. DRC was concerned about it in trying to identify points of exposure that could be found on the South side of the River. DOE was very forthright in saying that the schedule is important and they don't have time and resources to investigate that issue, and so they essentially are not going to examine it at this point in time.</p> <p>With regards to the ground and surface water interaction, Chairman Dan Kimball asked the Subcommittee if they would like to take a look at that. The Chairman has been in touch with the DOE. There are four members on the Subcommittee who either have interest or jurisdiction and water quality issues. They are going to examine that when DOE presents a water resources protection plan. This is going to be a part of the Draft Environmental Impact Statement (EIS). That part of the report on EIS should be in about the June 25, 2003. When it comes in, the Department of Environmental Quality (DEQ), will pick it up and examine it. DEQ is one of those cooperating agencies. The other parties that will be looking at it are: EPA – Region VIII, Fish and Wildlife, and U.S. Nuclear Regulatory Commission (NRC). Those four parties are all part of the Groundwater Subcommittee, who will take a look at that later this month and provide comments back to DOE.</p> <p>Loren said that he wanted to reiterate that DEQ had been invited by DOE to accept the opportunity to cooperate in preparation of this EIS. DEQ has joined a group of several cooperating agencies from the Federal Government, Grand County Council, City of Bluff, City of Blanding, and San Juan County. Then there's the Federal partners with: BLM, National Park Service, Fish and Wildlife Service. DEQ is going to fill a partnership role with DOE to try to prepare a preliminary Draft EIS. DOE hopes to have this Draft ready by the third week of September, 2003.</p> <p>On October 1, 2003, there will be a chance (21 days) for the cooperators to review the Draft EIS in its entirety. This will happen at the same Draft goes to DOE Headquarters. In November, 2003, the Grand Junction office will try to resolve comments-received. It will go to public comment starting in the month of January, 2004, of next year. This will be a 45-day comment period.</p> <p>Loren mentioned that they hoped to publish the final EIS in June, 2004 of next year. Record of decision by September 30 of 2004.</p>	

Date	Activity/Description	5/29/2003
June 5, 2003	Quarterly DOE – Cooperating Agency Meeting in Moab, Utah by DOE-GJO Cooperator's Agency Meeting in Moab, Utah. Some of the same parties were in attendance. DOE renewed the progress they've been making and they are preparing the various Sections of EIS.	
June 17 – 18, 2003	Quarterly Public Meetings – upcoming: Blanding – Tuesday, June 17, 2003, 7:00 p.m. (evening) White Mesa Reservation – Wednesday, June 18, 2003, 9:00 a.m. (morning) Star Hall, Moab, Utah – Wednesday, June 18, 2003 9:00 p.m. (evening) In these meetings DOE hopes to present to the public progress made in preparing the Draft EIS and some of the general strategy, and hopefully, to try to answer general questions from the public.	

VII. OTHER DEPARTMENT ISSUES (Board information items)

a. Employee's Ethics Act/Disclosure Forms

Dianne Nielson and Fred Nelson provided the Board information concerning the Employee Ethics Act and Disclosure Statement forms. Dianne indicated she was in the process of assuring that all Boards were uniform in their approach to completion and filing of the disclosure forms. In the past, disclosure forms have been kept at different locations making it difficult at times to have access to the forms if needed. Dianne asked that even if each Board Member had filled out a Disclosure Statement recently, they should fill out a new Disclosure Statement. Dianne said that this Disclosure Statement form would be completed on an annual basis each time. At the annual completion interval, each Board Member would be given a copy of the previous form that they filled out and signed the previous year. They can either sign or put their initials on that form if there were no changes. If there were changes needed, they could fill out the new form and disclose the necessary information on the new form and then get it notarized.

VII. PUBLIC COMMENT

Steve Erickson, representing Citizen's Education Project, handed out copies of the City Weekly in which the title page reads: "The Devil's Dirt, Southern Ute tribe fights for removal of toxic waste from ancient burial ground," by John F. Harrington to Board members. Steve wanted the Board members to be aware of the article which provided a viewpoint of the discussion concerning the White Mesa Mill at the May 2, 2003 Board meeting.

IX. OTHER ISSUES

a. Next Board Meeting – August 1, 2003, Department of Environmental Quality (Bldg #2), 168 North 1950 West, Conference Room 101, Salt Lake City, Utah 2:00 – 4:00 PM

The Board meeting adjourned at 3:05 p.m.